

# COMMUNICATIONS ADVISORY COUNSEL LLC

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February 1, 2008

## ***Via electronic filing***

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Cable & Communications Corporation  
CC Docket No. 94-102  
February 1, 2008 Report

Dear Ms. Dortch:

Pursuant to the Commission's *Order*,<sup>1</sup> Cable & Communications Corporation ("C&CC") hereby submits the following report on its progress in achieving the goal of 95% penetration of ALI-capable handsets among its subscribers.

## **Summary**

The *Order* recently granted a six-month extension of time for C&CC to meet the ultimate goal that 95% of the handsets used by its subscribers be ALI-compliant. As noted in each of its quarterly progress reports, C&CC has gradually increased its penetration rate, averaging a growth rate of approximately one percentage point per month. C&CC's current penetration rate stands at approximately 91%,<sup>2</sup> or 2,460 of a total of 2,702 handsets used by C&CC subscribers. To meet the penetration benchmark, 107 of the existing analog handsets will require conversion to compliant equipment, or approximately 45% of the analog phones currently in use.<sup>3</sup>

C&CC continues its promotional and marketing efforts to address the continued resistance to digital handset conversion, particularly customers' reluctance to part with the reliability and durability associated with the analog "bag phones." In answer to this concern, C&CC has located and is promoting a digital version of the bag phone.

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<sup>1</sup> *In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Petition for Extension of Waiver by Cable & Communications Corporation, *Order*, DA 07-4394 (rel. Oct. 26, 2007) ("*Order*"). The *Order* granted Cable & Communications Corporation ("C&CC") an extension through April 26, 2008 within which to meet the requirement of Section 20.18(g)(1)(v) that 95% of the handsets used by its subscribers be location-capable, subject to specific conditions and reporting requirements.

<sup>2</sup> Currently, the number of C&CC subscribers owning ALI-compliant equipment is approximately 96.25% (an increase of approximately 2.25% since September 25, 2007); as reported previously and confirmed herein, no PSAP has requested Phase I or Phase II capability from C&CC.

<sup>3</sup> Analog phones are in the hands of 148 customers.

Having already implemented each and every promotional and marketing strategy cited by the Commission as indicative of appropriate compliance efforts by Tier III carriers,<sup>4</sup> C&CC continues the more successful programs and will continue to explore additional and alternative promotional approaches. In addition, C&CC will continue its established construction plans to improve existing service and to extend new service into areas currently unserved by any wireless carrier, thus enhancing public safety generally by expanding the geographic area within which mobile communications are available in any capacity.

C&CC will continue its monthly reminder to subscribers that upgrading their analog handsets will enable them to transmit location information automatically once PSAPs have implemented Phase II E911 capabilities. In addition, the status of PSAP requests for Phase II service will also be noted. As required by paragraph 14 of the *Order*, C&CC will continue to coordinate with area PSAPs and other emergency service providers, keeping them apprised of activities and progress in meeting handset penetration goals. In addition to serving all PSAPS with copies of FCC filings, C&CC maintains regular contact with area PSAPs.

### **Report**

Pursuant to paragraph 15 of the *Order*, C&CC provides the following information:

**(1) The number and status of Phase II requests from PSAPs (including those requests it may consider invalid):**

C&CC has received no official Phase I or Phase II request from any PSAP.

**(2) The estimated dates on which Phase II service will be available to PSAPs served by its network:**

C&CC provides cellular service to a geographic area served by nine (9) different PSAPs in Montana and one in North Dakota. Each Montana PSAP is willing to work with C&CC regarding the timing for implementation of a Phase I or Phase II request. C&CC's May 1, 2006 Report provided detailed information regarding the status of E-911 implementation plans for each PSAP, and the company has updated that information in its subsequent reports. The following reflects changes in status since C&CC's last report:

<u>PSAP</u>	<u>Anticipated PSAP Implementation Date</u>
Miles City Police Dept.	Anticipate Phase I request within 6 months
Rosebud County Sheriff's Office	Phase I and Phase II requests planned for July 2008

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<sup>4</sup> C&CC's historic compliance efforts compare favorably with the efforts of other Tier III carriers. *See generally, Request for Waiver of Location-Capable Handset Penetration Deadline by Sprint Nextel Corporation*, WT Docket No. 05-286, *Order*, 22 FCC Rcd 400, 411-412 ¶ 32 (2007). C&CC's own efforts were among those cited as exemplary. *Id.* at n.104. The out-bound call campaign of a Tier III carrier cited with approval by the Commission is similar to C&CC's continuing outreach program, targeting analog users and offering a free phone, currently with no service commitment. C&CC has also offered free minutes (in the form of a billing credit).

**(3) The status of its coordination efforts with PSAPs for alternative 95% handset penetration dates**

All PSAPs will be served with a copy of this filing. All Montana PSAPs have indicated a willingness to work closely with C&CC regarding Phase II implementation schedules.

**(4) Efforts to encourage customers to upgrade to location-capable handsets:**

C&CC continues its two-prong approach to encouraging customers to upgrade their handsets through subscriber education and the provision of subscriber upgrade incentives.

C&CC's most recent activities include a personal phone call to each analog subscriber in the first week of January, 2008, introducing new promotional offers for relinquishing an analog handset: (1) a free M800 digital bag phone plus booster (in direct response to concerns that digital service is not as reliable as analog service), a \$600 value; or (2) a free digital flip phone, plus a \$19.95 monthly billing credit for one year, also a \$600 value. Neither offer requires a contract commitment by the subscriber. In addition, digital service generally will be more desirable and flexible with the introduction of unlimited text messaging in February, 2008.

In addition, C&CC continues to advertise its conversion program over local radio and cable television. Posters promoting the campaign are displayed in each business office, and at recent open house promotional campaigns. Monthly billing inserts and cable advertising are also utilized to remind subscribers of the benefits of digital upgrades. Promotions and upgrade incentive programs, as well as customer educational information, are also available on C&CC's web site.

C&CC continues its build-out program to improve service, having recently completed the construction of and activated two additional cell sites that will enhance existing service and extend service into areas that currently are unserved. Four additional sites are planned for construction by the end of the third quarter of 2008.

**(5) Percentage of customers with location-capable phones:**

C&CC reports that approximately 91% of its customers had location-capable phones as of January 15, 2008.

**(6) Status in achieving compliance and whether it is on schedule to meet the revised deadline**

As noted in its November, 2007 report, to achieve the revised deadline of April 26, 2008, C&CC would be required to achieve a penetration rate 25% more successful than its typical conversion rate. Despite its aggressive promotional campaign during the recent holiday season, the company fell a bit short of its projection, achieving its January 1, 2008 goal of 91% penetration approximately two weeks late (in other words, achieving only a marginal increase to its historical one-percent per month conversion rate). C&CC is hopeful, however, that its newest promotion featuring a direct replacement for the analog bag phone will generate more conversions. Accordingly, C&CC further revises its projected compliance schedule:

February 1, 2008	91.0%
March 1, 2008	92.5%
April 1, 2008	93.75%
April 26, 2008	95%

Please direct any questions or correspondence concerning this matter to this office.

Respectfully submitted,

  
Sylvia Lesse

# **DECLARATION OF GERRY ANDERSON**

I, Gerry Anderson, General Manager of Cable & Communications Corporation, do hereby declare under penalty of perjury that I have read the foregoing "February 1, 2008 Report" and that the facts stated therein are true and correct, to the best of my knowledge, information and belief.

January 29, 2008  
Date

  
Gerry Anderson

## Certificate of Service

I, Sylvia Lesse, of Communications Advisory Counsel, LLC, hereby certify that on this 1<sup>st</sup> day of February, 2008, I caused to be delivered, via first-class US mail, postage prepaid, a copy of the foregoing "February 1, 2008 Report" on the following:

Captain Kevin Krausz  
Miles City Police Dept.  
PSAP for Custer County, Montana  
PSAP for Garfield County, Montana  
2420 Bridge Street  
Miles City MT 59301

Sheriff Kelly Pierson  
Garfield County Sheriff's Office  
PO Box 103  
Jordan MT 59337

Chief Alan Michaels  
Glendive Police Department  
PSAP for Dawson County, Montana  
PO Box 1372  
Glendive MT 59330

Chuck Lee  
PSAP Manager - Fallon County  
PSAP for Fallon, Carter,  
Prairie and Wibaux Co's, MT  
PO Box 1061  
Baker, MT 59313

Sheriff Rusty Jardee  
Carter County Sheriff  
PO Box 323  
Ekalaka MT 59324

Russ Lindblom  
North Dakota 911 Manager  
PO Box 877  
Bismarck, ND 58502-0877

Jeff Cohen\*  
Public Safety & Homeland Security Bureau  
Federal Communications Commission  
445 Twelfth St, SW  
Washington, DC 20554

Derek Poarch, Chief\*  
Public Safety & Homeland Security Bureau  
Federal Communications Commission  
445 Twelfth St., SW  
Washington, DC 20554

Sheriff William Klunder  
Prairie County Sheriff's Office  
PO Box 126  
Terry MT 59349

Sheriff Darby S. Harrington  
Wibaux County Sheriff's Office  
PO Box 322  
Wibaux MT 59353

Sheriff Dave Harris  
McCone County Sheriff's Office  
PSAP for McCone County, Montana  
905 B Avenue, PO Box 201  
Circle, MT 59215

Sheriff John Blain  
Powder Riv. Co. Sheriff's Office  
PSAP for Powder River Co., MT  
Box 71 Courthouse Square  
Broadus MT 59317

Sheriff Brad Baisch  
Richland County Sheriff's Office  
PSAP for Richland Co., MT  
110 2<sup>nd</sup> Ave NW  
Sidney, MT 59270

Lisa Solf  
Petroleum County PSAP  
PO Box 226  
Winnett, MT 59087

Jim Kenner, IT Dept.  
Rosebud County Sheriff's Office  
Box 85 180 S 13<sup>th</sup> St  
Forsyth, MT 59327

\* Via electronic mail

  
Sylvia Lesse